

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VOTER REFERENCE FOUNDATION,)
LLC,)
Plaintiff,)
v.)
RAUL TORREZ¹, in his official)
capacity as New Mexico Attorney General,)
And)
MAGGIE TOLOUSE OLIVER, in her)
Official capacity as New Mexico)
Secretary of State,)
Defendants.)

**AMENDED JOINT MOTION TO AMEND CASE SCHEDULE
AND TO ENLARGE PAGE LIMITS FOR SUMMARY JUDGMENT BRIEFING**

Plaintiff Voter Reference Foundation, LLC, and Defendants Attorney General Raul Torrez and Secretary of State Maggie Toulouse Oliver (the “Parties”) jointly move the Court to: amend the deadline to file motions for summary judgment; set a briefing schedule for those motions; allow the Parties to exceed the page limits in D.N.M.LR-Civ. 7.5 for the Parties’ motions for summary judgment and briefing; and move the date of trial and the corresponding pre-trial deadlines in this matter. In support of this joint motion, the Parties state as follows:

1. The current deadline to submit motions for summary judgment in this case is Thursday, March 30, 2023. *See Order Granting Defendants’ Unopposed Motion for Extension of*

¹ Pursuant to Fed. R. Civ. P. 25(d), Raúl Torrez is substituted for Hector Balderas as New Mexico Attorney General.

Time to File Dispositive Pre-Trial Motions (Dkt. 113). The parties timely filed a prior version of this motion, seeking an extension prior to the expiration of this deadline. *See* Jt. Mot. Am. Case Schedule & Enlarge Page Limits for Summ. J. Br. (Dkt. 115). A motion hearing is currently scheduled in this matter on April 17, 2023, which that same joint motion sought to continue. *See* 12-5-22 Scheduling Order (Dkt. 82); Jt. Mot. (Dkt 115). This amended joint motion is filed on the same grounds and for the same reasons, but proposes slightly modified dates to which all parties agree.

2. At the time the Parties agreed to move the Court to extend the dispositive motion deadline to March 30th, the bench trial in this matter was set (and is currently set) for the week of June 12, 2023. Scheduling Order, Dkt. 82.
3. At the Court's February 28th hearing on Defendants' Motion to Stay, Defendants' lead trial counsel notified Plaintiff's counsel and the Court of her need to move the current June trial setting to accommodate her upcoming maternity leave. The Court then granted a preliminary request to extend the case's discovery motion deadline and, per the Clerk's Minutes, "direct[ed] parties to file motion and submit proposed order if further extensions are warranted and agreed upon." Clerk's Minutes from February 28th Motion Hearing (Dkt. 106).
4. Counsel for the Parties have conferred and reached an agreement regarding pre-trial briefing, pre-trial deadlines, and a trial date that the Parties agree is warranted.
5. All Parties intend to file motions for summary judgment. The Parties request that the deadline to file any motion for summary judgment be extended from March 30, 2023, to April 14, 2023.

6. The Parties further request that the motion hearing currently scheduled for April 17, 2023, be moved to a date following the submission of reply briefs. The parties are each available for this hearing, at the convenience of the Court, on the following dates: June 5–8, 2023, and June 12–15, 2023. The parties can provide dates in July if the Court desires.
7. Pending the Court's availability, the Parties request that the bench trial in this case be moved to early September 2023 to account for Defendants' counsel's maternity leave.
8. The Parties also request that the Court enlarge the time for response briefs under D.N.M.LR-Civ. 7.4(a) to allow each party twenty-eight (28) days, through and including May 12, 2023, to file its response brief to any motion for summary judgment. The Parties believe that the fourteen (14) days for a reply brief provided by Local Rule 7.4(a) need not be changed and that reply briefs should be due on May 26, 2023.
9. Finally, given the number of complex legal issues involved in this case and the thorough factual record before the Court, the Parties move for an enlargement of page limits to allow each party a total of one hundred (100) pages of briefing (including both the statement of facts and legal argument, combined) for the opening motions for summary judgment; eighty (80) total pages for response briefs; and fifty (50) total pages for reply briefs.
10. The Parties submit that there is good cause to grant the requested relief, as discovery in this matter only recently concluded, the Parties have worked together to accommodate counsel's scheduling conflicts, the Parties agree on all aspects of the above requests, and, if trial is moved as requested, the remaining requested changes to the pre-trial deadlines will not unduly delay the resolution of this case.

Dated: April 12, 2023

Respectfully submitted,

GRAVES GARRETT, LLC

/s/ Matthew R. Mueller

Edward D. Greim
Missouri Bar No. 54034
Matthew R. Mueller
Missouri Bar No. 70263
Admitted Pro Hac Vice
GRAVES GARRETT LLC
1100 Main Street, Suite 2700
Kansas City, Missouri 64105
Tel.: (816) 256-3181
Fax: (816) 222-0534
edgreim@gravesgarrett.com
mmueller@gravesgarrett.com

HARRISON, HART & DAVIS, LLC

Carter B. Harrison IV
924 Park Avenue SW, Suite E
Albuquerque, NM 87102
Tel: (505) 369-6599
Fax: (505) 341-9340
carter@harrisonhartlaw.com

Counsel for Plaintiff

**OFFICE OF THE NEW MEXICO
ATTORNEY GENERAL**

By: /s/Kelsey Frobisher Schremmer

Erin E. Lecocq
Kelsey Frobisher Schremmer
Jeff D. Herrera
Assistant Attorneys General
408 Galisteo Street
Santa Fe, NM 87501
(505) 490-4060
elecocq@nmag.gov
kschremmer@nmag.gov
jherrera@nmag.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

On April 12, 2023, I filed the foregoing document through the Court's CM/ECF system, which caused all counsel of record to be served by electronic means.

/s/ Kelsey Frobisher Schremmer
Kelsey Frobisher Schremmer